

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NADIST, LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:06CV969 CDP
)	
THE DOE RUN RESOURCES)	
CORP., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

In May of 2010, Nadist moved for partial summary judgment on its claims against Doe Run under the Clean Water Act. Doe Run, after numerous extensions of time, opposed summary judgment in part on the ground that Nadist's claims under the Clean Water Act may be mooted by a consent decree action filed in this Court by the United States Department of Justice and the State of Missouri. Case Number 4:10CV1895 JCH. Nadist sought two extensions of time to file its reply brief in support of its motion for partial summary judgment given "recent developments and the significant changes to the landscape of this litigation." I granted Nadist until March 1, 2011, to file its reply brief and address the new developments in the case. It is now March 8, 2011, and Nadist has not filed a reply brief in support of its motion, nor has it sought an extension of time to do so.

On the record before me, Nadist has not demonstrated that it is entitled to partial judgment as a matter of law at this time.

Accordingly,

IT IS HEREBY ORDERED that the motion for partial summary judgment [#356] is denied without prejudice.

A handwritten signature in cursive script, reading "Catherine D. Perry", is written over a horizontal line.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 8th day of March, 2011.